

Congress of the United States
House of Representatives
Washington, DC 20515-3222

May 15, 2007

The Honorable Dirk Kempthorne
Secretary
U.S. Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Kempthorne:

We are very concerned about draft Endangered Species Act (ESA) regulations that recently were made public through an apparent internal leak at the U.S. Department of the Interior. We understand that this document is not a final, approved plan that is ready for public consumption. However, it raises concerns that the Department of Interior may attempt to make significant changes to the statute without congressional involvement.

Our concern about the attempt to rewrite the ESA through regulation is magnified by the recent IG report documenting a Department of Interior employee who seemingly took it upon herself to rewrite scientific data and findings regarding the listing of threatened species, among other questionable activities.

To be clear, we object to any attempt to rewrite the Endangered Species Act that does not involve the United States Congress. Broad changes to a law that is such a cornerstone of conservation in America deserve and require the full deliberation of Congress, not its exclusion from the process.

As you know, Congress considered controversial statutory changes to the ESA a few years ago. From our review of this draft document, it appears that several of these proposed changes, which were not passed into law by Congress, are now being considered for regulatory changes by the US Fish and Wildlife Service (USFWS). Nearly every aspect of the law would be affected by this proposal, including endangered species recovery, consultation, listing, critical habitat, and cooperation with the states.

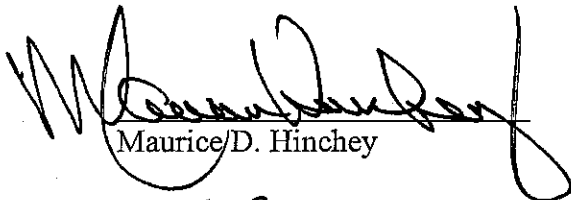
The proposal, if it were to become final, would remove protections for endangered species habitat, limit the listing of new endangered species, and allow logging, development, and other industrial practices to continue even if those activities threaten an endangered species.

The Endangered Species Act is a landmark conservation law that has provided a critical safety net for species on the brink of extinction. Polling has shown again and again that

the American people broadly support a strong Endangered Species Act that protects critically imperiled species like the Bald Eagle and the Grizzly Bear.

We strongly suggest that you reconsider any attempts that may be ongoing to rewrite the Endangered Species Act through regulation, without the participation of the congressional committees with jurisdiction over the ESA. As always, we look forward to continuing to work with you to increase funding and improve implementation of the Endangered Species Act, and we await your timely response to our present concerns.

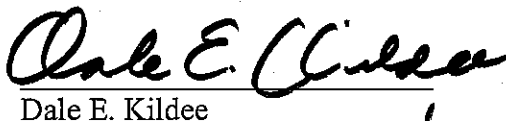
Sincerely,

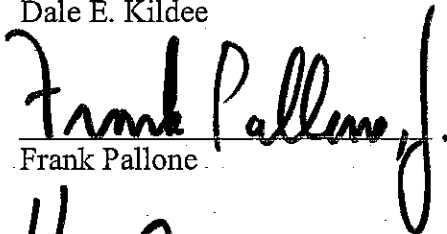

Maurice/D. Hinchey

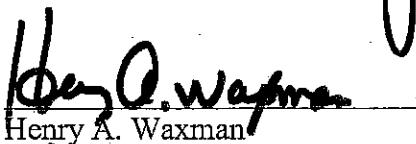

James P. Moran

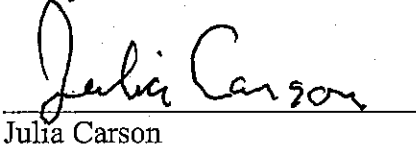

Rahm Emanuel


Peter A. DeFazio

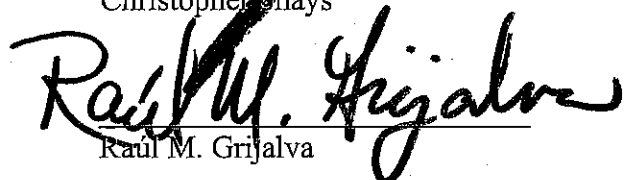

Dale E. Kildee

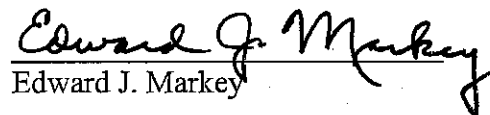

Frank Pallone


Henry A. Waxman

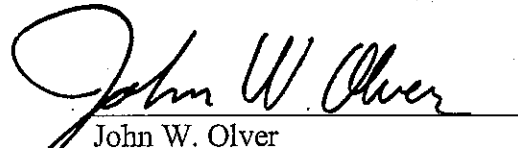

Julia Carson

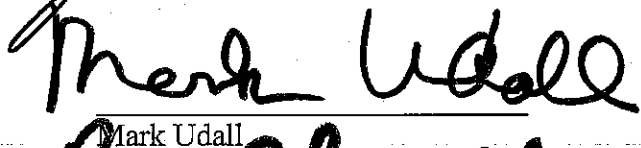

Christopher Shays

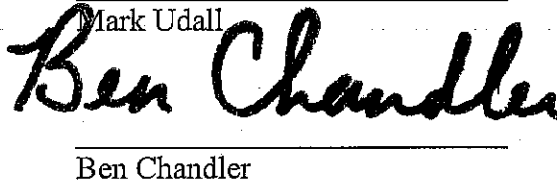

Raul M. Grijalva


Edward J. Markey


Rosa L. DeLauro



John W. Olver


Mark Udall

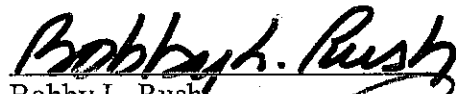

Ben Chandler



Jay Inslee



Thomas Allen

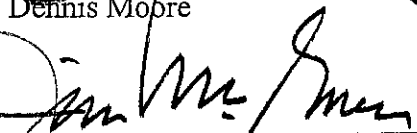

Carolyn B. Maloney


Corrine Brown

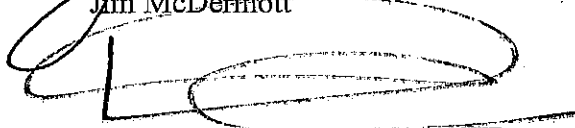

Bobby L. Rush



Sam Farr

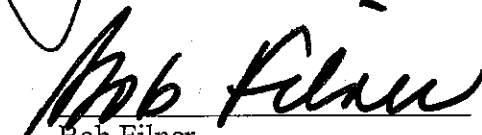

Dennis Moore



James P. McGovern


Jim McDermott

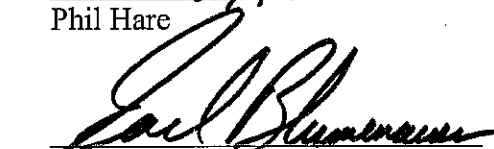

David Wu

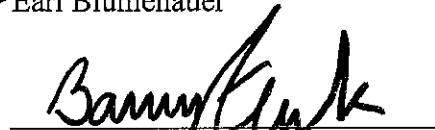

John Lewis



Bob Filner


Carol Shea-Porter


Phil Hare

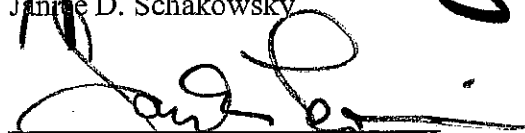

Earl Blumenauer



Barney Frank



Nita M. Lowey


Melissa L. Bean


Janice D. Schakowsky

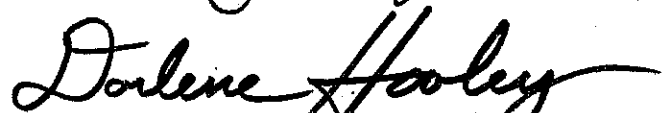

Sander M. Levin

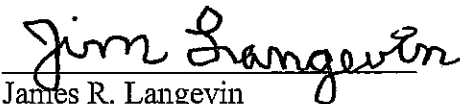

Martin T. Meehan


Richard E. Neal

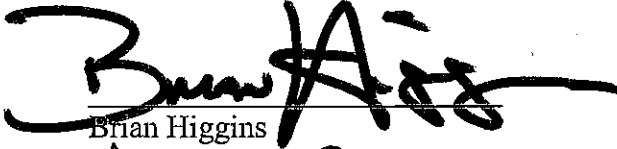

Dennis J. Kucinich

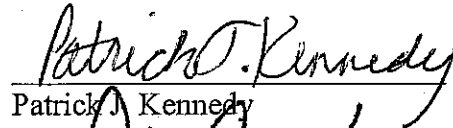

Loretta Sanchez

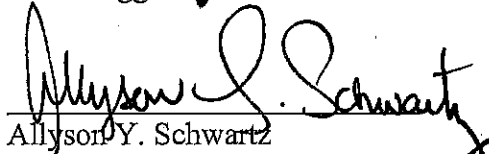

Darlene Hooley

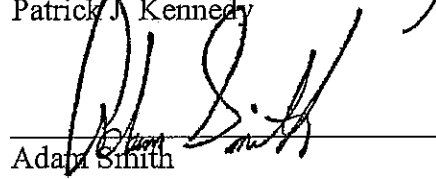

James R. Langevin

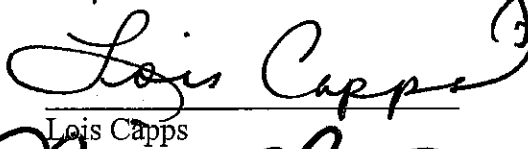

Anna G. Eshoo


Brian Higgins

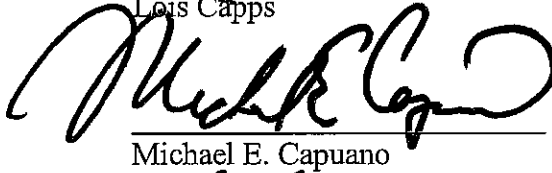

Patrick J. Kennedy

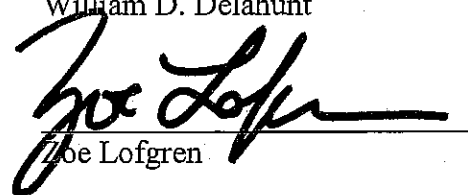

Allyson Y. Schwartz

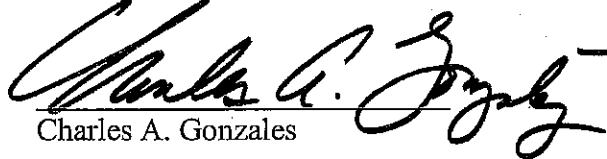

Adam Smith

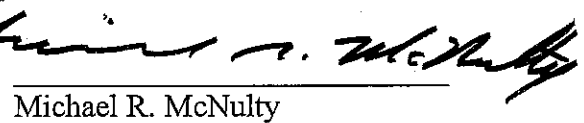

Lois Capps


William D. Delahunt

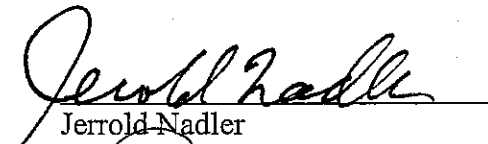

Michael E. Capuano

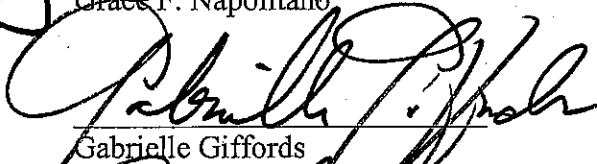

Zoe Lofgren

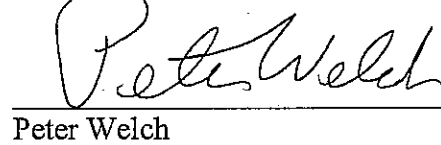

Charles A. Gonzales


Michael R. McNulty

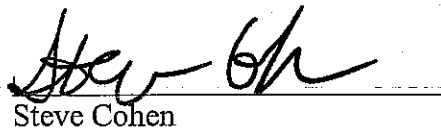

Grace F. Napolitano


Jerrold Nadler

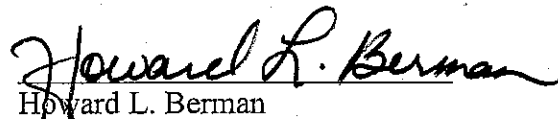

Gabrielle Giffords


Peter Welch


Chaka Fattah

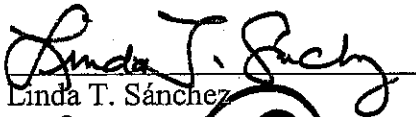

Steve Cohen

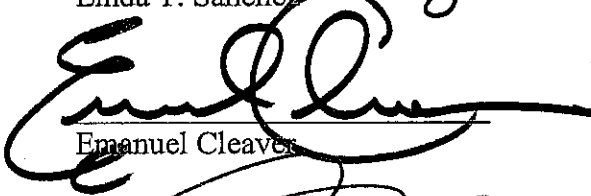

Diana DeGette

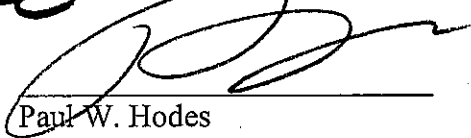

Howard L. Berman

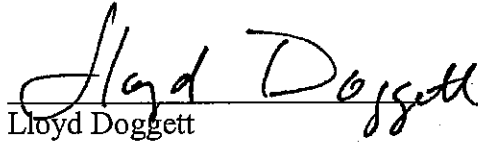

Fortney Pete Stark

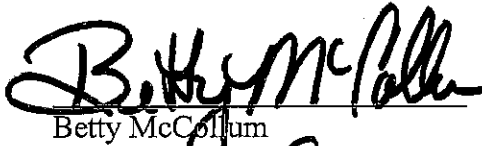

Albio Sires

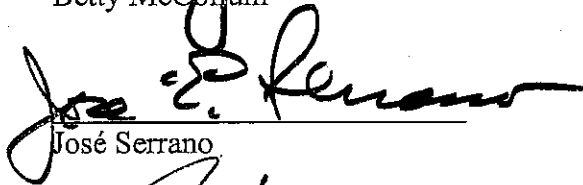

Linda T. Sánchez

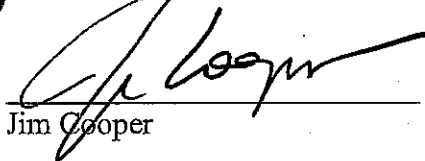

Emanuel Cleaves


Paul W. Hodes

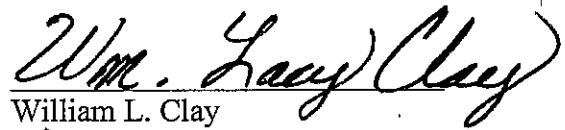

Lloyd Doggett

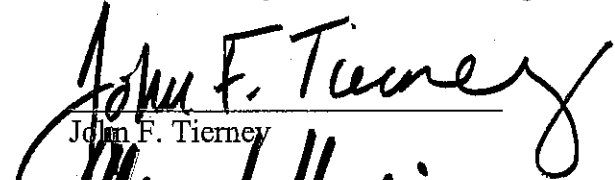

Betty McCollum

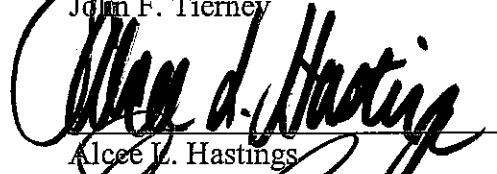

José Serrano

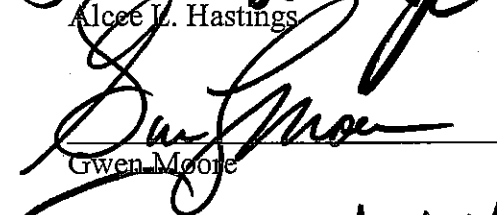

Jim Cooper

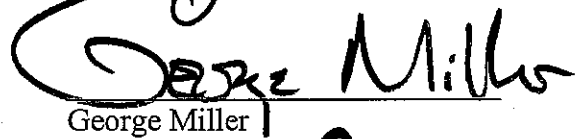

Rush D. Holt

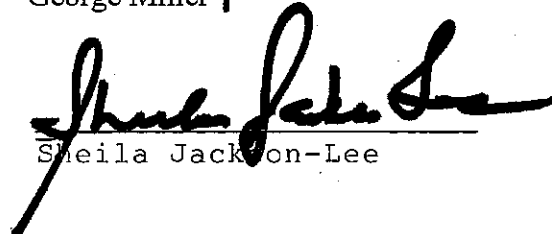

William L. Clay


John F. Tierney


Alcee L. Hastings


Gwen Moore


George Miller


Sheila Jackson-Lee

Cc: Dale Hall